

AUG 21 2006

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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on August 21, 2006.


 Mark A. Hopkinson, Reg. No. 56,614


FAX COVER PAGE

TOTAL PAGES (INCLUDING COVER): 6

To: Commissioner for Patents **FAX No.** 1-571-273-8300
 United States Patent & Trademark Office

FROM: Mark A. Hopkinson **FAX No.** 604-448-8100
 Peak Innovations Inc.
 Tel. No. 604-448-8000

RE: U.S. Patent Application No. 10/551,761 **DATE:** August 21, 2006
Title: ADJUSTABLE POST SUPPORT
I.A. filed: April 9, 2003
Inventors: Simon WALKER; Clinton LEE
Applicant: Peak Innovations Inc.

OUR REF: DFPM-P-050921

MESSAGE:

We enclose:

- (1) Notification of Missing Requirements Under 35 USC 371 (2 pages);
- (2) Response to Notification of Missing Requirements Under (2 pages); and
- (3) Credit Card Payment Form authorizing \$65 payment (1 page).

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 If any transmission problems arise, please call Andrea Thompson at 604-448-8000

CONFIDENTIALITY NOTICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Adm'r. COMMISSIONER FOR PATENTS
P.O. Box 1650
Alexandria, Virginia 22313-1650
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,761	Simon Walker	DFPM-P-050921
INTERNATIONAL APPLICATION NO.		
PCT/CA03/00525		
I.A. FILING DATE		PRIORITY DATE
04/09/2003		04/09/2003
CONFIRMATION NO. 5785 371 FORMALITIES LETTER *OC000000019337122*		

Date Mailed: 06/20/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/03/2005
- Copy of the International Search Report filed on 10/03/2005
- Oath or Declaration filed on 10/03/2005
- U.S. Basic National Fees filed on 10/03/2005
- Power of Attorney filed on 10/03/2005
- Specification filed on 10/03/2005
- Claims filed on 10/03/2005
- Abstracts filed on 10/03/2005
- Drawings filed on 10/03/2005

COPY

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - The declaration that Clinton LEE signed, has his first name typed as " Clint ". Mr. LEE's name is listed as " Clinton " on the IA. Please submit a corrected declaration, or provide an explanation for the name change.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

X A copy of this notice **MUST** be returned with the response. **X**

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KAREN R MCLEAN

Telephone: (703) 308-9140 EXT 214

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551,761	PCT/CA03/00525	DFPM-P-050921

FORM PCT/DO/EO/905 (371 Formalities Notice)

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Mark A. Hopkinson, Reg. No. 56,614DFPM-P-050921
MAH/atIN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor(s): Simon WALKER; Clinton LEE

Title: ADJUSTABLE POST SUPPORT

Serial No.: 10/551,761

I.A. Filed: April 9, 2003

Examiner: unassigned Art Unit: unassigned

Date: August 21, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 223313-1450

Dear Sir:

Response to Notification of Missing Requirements Under 35 USC 371
In the United States Designated/Elected Office (DO/EO/US)

This responds to the Notification mailed June 20, 2006 for which a response is due today.

The Notification states that the declaration that inventor LEE signed has his first name typed as "Clint" whereas Mr. LEE's first name is listed as "Clinton" on the International Application ("IA"). Either a corrected declaration or an explanation for the name inconsistency is requested.

A review of the IA indicates that the same document lists the first name of inventor LEE in two different manners. Section VIII-2-2 refers to Mr. LEE with his formal first name "Clinton" and Sections VIII-1-1 & VIII-4-1 refer to Mr. LEE by his common first name "Clint". All sections refer to the same address for Mr. LEE. The name "Clint" is a common derivation of the first name "Clinton" and refers to the same individual, namely Clinton LEE. At the time the application was filed, Mr. Clinton ("Clint") LEE was an employee of the Assignee. A comparison of the signatures on the executed Declaration and the executed Assignment clearly indicate that Clinton LEE and Clint LEE are the same person. The occurrence of the name "Clint" in place of the name "Clinton" was likely a typographical error that went unnoticed given that both spellings

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clearly describe the same individual. Accordingly, there has been no name change of inventor LEE, and it is clear that inventor Clinton LEE executed the Declaration.

In view of the foregoing, the Applicant submits that it is clear on the face of the IA and the associated Declaration that inventor Clinton LEE has executed the Declaration. Accordingly the Applicant requests that the objection to the oath or declaration be withdrawn.

The Applicant encloses herewith \$65 (via the enclosed credit card payment form) in payment of the fee requested in the Notification. However, the Applicant reserves the right to subsequently request a refund of the \$65 fee since a corrected declaration is not required for the reasons above, and therefore no surcharge under 37 CFR 1.492(h) should be required.

The Applicant looks forward to receiving confirmation that the explanation above and executed declaration previously submitted has been accepted.

Respectfully submitted,

By:



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Encl.